

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES ROBERT BATES,

Plaintiff

v.

Case No. 2:16-cv-14324

District Judge Avern Cohn

Magistrate Judge Anthony P. Patti

O'BELL THOMAS WINN and  
JAMES ROTH,

Defendants.

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**ORDER STRIKING PLAINTIFF'S UNAUTHORIZED SUR-REPLY BRIEF**  
**(DE 39)**

Plaintiff filed a “Motion in Responding [sic] to Defendants['] Reply Brief for Summary Judgment,” i.e., a sur-reply. (DE 39.) The sur-reply is rejected by the Court for several reasons: (1) E.D. Mich. LR 7.1(d)(1), which concerns briefs required and permitted, does not permit the filing of a sur-reply; (2) Plaintiff did not seek permission to file a sur-reply, but, in any case, I would have denied such a request, as the Court has an adequate record and the matter is already under advisement; and (3) my practice guidelines, which are publicly available on the Court’s website, provide, in part: “Additional briefing, including sur-replies, will NOT be permitted unless requested by the Court. The Court will strike any improperly filed sur-replies or other briefing not contemplated by the Local Rules.”

In accordance with this ruling, the Clerk of the Court **SHALL** strike Plaintiff's August 12, 2019 filing (DE 39).

**It is SO ORDERED.**

Dated: August 22, 2019

s/ *Anthony P. Patti*

Anthony P. Patti  
UNITED STATES MAGISTRATE JUDGE

**Certificate of Service**

I hereby certify that a copy of the foregoing document was sent to parties of record on August 22, 2019, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the  
Honorable Anthony P. Patti